

Applic. No. 10/687,005
Amdt. dated October 26, 2006
Reply to Office action of September 14, 2006

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 15-19 remain in the application.

In item 1 on page 3 of the above-identified Office action, claims 15-19 have been rejected as being obvious over Levine et al. (U.S. Patent No. 6,581,973 B2) (hereinafter "Levine") in view of Shigeki (JP 2000-098903) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 15 and 19 call for, *inter alia*:

a front printing face having an adhesive backing and
consecutive perforated tear lines spaced apart at distances

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that are substantially greater than a perimeter of the medicinal container for defining an individual label section.

The Examiner's allegation on page 3 of the Office action that Levine discloses "a label roll comprising ... consecutive perforated tear lines (22) spaced apart (see Fig. 1) at a distance greater than a perimeter of a support item for defining an individual label section...", is not correct.

More specifically, claim 15 and 19 recite that a roll has consecutive perforated tear lines for defining an individual label section. The definition of perforate from Webster's New World Dictionary is: to pierce with holes in a row, as a pattern. In Levine, the "lines 22" to which the Examiner refers are not perforated tear lines. Levine discloses a perforation (39) for separating a first portion (24) from a second portion (26) (Fig. 1 and column 3, lines 44-46). In Levine, the perforation (39) shown in Fig. 1, is designated with a dashed line, whereas the "lines 22" are designated by a solid line. Therefore, Levine does not disclose that the "lines 22" are perforated. Accordingly, the Examiner's allegation that Levine discloses consecutive perforated tear lines (22) spaced apart at a distance greater than a perimeter of a support item for defining an individual label section, is not correct

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest a front printing face having an adhesive backing and consecutive perforated tear lines spaced apart at distances that are substantially greater than a perimeter of the medicinal container for defining an individual label section as recited in claims 15 and 19 of the instant application.

The Levine reference discloses a perforation (39). Levine does not disclose consecutive perforated tear lines spaced apart at distances that are substantially greater than a perimeter of the medicinal container for defining an individual label section. This is contrary to the invention of the instant application as claimed, in which a front printing face having an adhesive backing and consecutive perforated tear lines spaced apart at distances that are substantially greater than a perimeter of the medicinal container for defining an individual label section.

The Shigeki reference does not make up for the deficiencies of Levine.

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The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since claim 15 is believed to be allowable, dependent claims 16-18 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 15 or 19. Claims 15 and 19 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 15, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 15-19 are solicited.

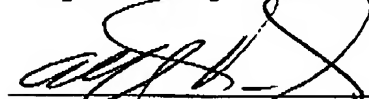
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Robert M.
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Respectfully submitted,



For Applicant(s)

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October 26, 2006

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